

ASSEMBLY BILL

No. 1772

**Introduced by Committee on Banking and Finance (Wiggins
(Chair), Calderon, Chan, Chavez, Correa, Montanez, and
Vargas)**

March 13, 2003

An act to amend Section 530.8 of the Penal Code, relating to identity theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 1772, as introduced, Committee on Banking and Finance. Identity theft.

Existing law provides that if a person discovers that an unauthorized person has applied for certain services or opened certain accounts, the person is entitled to receive the identifying information that was used by the unauthorized person to apply for or open the account or service and a record of transactions and charges associated with the account or service upon presentation of a copy of a police report and identifying information.

This bill would add applications and accounts regarding mail receiving or forwarding services and office or desk space rental services to the applications and accounts covered by these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 530.8 of the Penal Code is amended to
2 read:

1 530.8. (a) If a person discovers that an application in his or
2 her name for a loan, credit line or account, credit card, charge card,
3 public utility service, *mail receiving or forwarding service, office*
4 *or desk space rental service*, or commercial mobile radio service
5 has been filed with any person or entity by an unauthorized person,
6 or that an account in his or her name has been opened with a bank,
7 trust company, savings association, credit union, public utility,
8 *mail receiving or forwarding service, office or desk space rental*
9 *service*, or commercial mobile radio service provider by an
10 unauthorized person, then, upon presenting to the person or entity
11 with which the application was filed or the account was opened a
12 copy of a police report prepared pursuant to Section 530.6 and
13 identifying information in the categories of information that the
14 unauthorized person used to complete the application or to open
15 the account, the person, or a law enforcement officer specified by
16 the person, shall be entitled to receive information related to the
17 application or account, including a copy of the unauthorized
18 person's application or application information and a record of
19 transactions or charges associated with the application or account.
20 Upon request by the person in whose name the application was
21 filed or in whose name the account was opened, the person or
22 entity with which the application was filed shall inform him or her
23 of the categories of identifying information that the unauthorized
24 person used to complete the application or to open the account. The
25 person or entity with which the application was filed or the account
26 was opened shall provide copies of all forms and information
27 required by this section, without charge, within 10 business days
28 of receipt of the person's request and submission of the required
29 copy of the police report and identifying information.

30 (b) Any request made pursuant to subdivision (a) to a person or
31 entity subject to the provisions of Section 2891 of the Public
32 Utilities Code shall be in writing and the requesting person shall
33 be deemed to be the subscriber for purposes of that section.

34 (c) (1) Before a person or entity provides copies to a law
35 enforcement officer pursuant to subdivision (a), the person or
36 entity may require the requesting person to submit a signed and
37 dated statement by which the requesting person does all of the
38 following:

39 (A) Authorizes disclosure for a stated period.



1 (B) Specifies the name of the agency or department to which
2 the disclosure is authorized.

3 (C) Identifies the types of records that the requesting person
4 authorizes to be disclosed.

5 (2) The person or entity shall include in the statement to be
6 signed by the requesting person a notice that the requesting person
7 has the right at any time to revoke the authorization.

8 (d) As used in this section, “law enforcement officer” means
9 a peace officer as defined by Section 830.1 ~~of the Penal Code~~.

10 (e) As used in this section, “commercial mobile radio service”
11 means “commercial mobile radio service” as defined in section
12 20.3 of Title 47 of the Code of Federal Regulations.

